

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 203.2 and 203C.5(2), the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 90, “State Licensed Warehouses and Warehouse Operators,” Iowa Administrative Code.

The amendment removes a grain elevator operator requirement for taking a consistent operational shrink. The amendment would allow the Department to require an operator to take a shrink not to exceed 0.5 percent. The amendment also updates and removes outdated language.

Any interested persons may make written suggestions or comments on the proposed amendment on or before May 5, 2015. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

The proposed amendment is subject to the Department’s general waiver provisions.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code section 203C.2.

The following amendment is proposed.

Amend rule 21—90.18(203C) as follows:

#### **21—90.18(203C) Adjustment of records.**

**90.18(1)** *Adjustment of ~~records~~ inventory for operational shrink.* ~~A consistent~~ The department may require a licensee to take an operational shrink shall be taken not to exceed one-half of one percent on grain handled and documented received on a monthly basis in the warehouse records. An operational shrink is not required to be taken when there has been no movement of a particular kind of grain.

**90.18(2)** *Other ~~record~~ inventory adjustments.* Any reduction of record obligation shall be justified. Any increase in adjustments of record obligation shall be made only upon department approval or request. An upward adjustment may be made to the records at any time that a total weigh-up for a particular kind of grain is made and all records of the weigh-up have been maintained for verification. The licensee may make upward adjustments for rail and barge shipments based upon actual unloaded weights when the origin weights were estimated. Outbound truck shipments must be weighed on the licensee’s scale if one is available. ~~If the outbound shipment cannot be weighed in a single draft, the licensee may adjust the record to reflect the unloaded weights.~~ A warehouse operator may voluntarily adjust the records at the time of examination when the measured inventory exceeds the record obligation in an amount in excess of 1½ percent. All adjustments shall be readily identifiable in the daily position record. Unless the delivered weight is adjusted for and reflects dry bushels, all adjustments for moisture shall be shown in the ~~adjustment column~~ records. A computer-generated scale ticket listing that shows gross weights and net weights will satisfy the requirements of this rule.

This rule is intended to implement Iowa Code ~~sections~~ section 203C.2 ~~and 203C.35.~~